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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,544	07/16/2003	Ruediger Tueshaus	Dorstener-002	8429
26604	7590	06/16/2005	EXAMINER	
KENNETH L. NASH			SPERTY, ARDEN B	
P.O. BOX 680106			ART UNIT	
HOUSTON, TX 77268-0106			PAPER NUMBER	

1771

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,544

Applicant(s)

TUESHAUS ET AL.

Examiner

Arden B. Sperty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 24-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/16/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/03</u> | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL OFFICE ACTION

Election/Restrictions

1. Claims 1-4 and 24-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on May 2, 2005.

Claim Objections

2. Claims 5 and 7 are objected to because of the following informalities: The claims require the wire mesh mounted "within" at least one of the two transparent layers. From assessment of the specification and drawings it is the examiner's understanding that the wire mesh is intended to be mounted "between" the two layers, not "within" either individual layer. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims a wire mesh with an amount of openings ranging from zero percent and upwards. The claims are internally inconsistent because the invention requires a mesh, but also claims lower limit of

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openings of zero percent. If there are zero percent openings, then it is not a mesh. A mesh has openings.

5. Claim 6 is indefinite because it is unclear what is intended by the claim language. It is not clear how the structure is different from a woven structure.

6. Claims 14 and 15 are unclear because the Dutch weave and heddle weave are not familiar terms in the art. Definition of the claimed weaves is respectfully requested. The claims are not further examined because the Dutch and heddle weaves are not clear.

7. Claim 21 is indefinite because of the relative terminology including "substantially flexible" and "bendable." The intended degree of flexibility and bendability is unclear. For instance, a glass sheet is more bendable/flexible than a crystalline sheet, yet is less bendable/flexible than a thin polymeric film such as is used as a food-wrap.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-13, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2808473, hereinafter referred to as the '473 reference. A full translation of the reference will be provided with the next office action. Translations of pertinent citations are included with this action.

10. The '473 reference teaches structural or decorative panels comprising a woven metal mesh, strips, or bars between two panels of transparent material. While the reference is not concerned with the percentage of openings with respect to the total surface area of the metal material, it would have been within the ordinary level of skill of one in the art to optimize the size of the mesh openings in accordance with the ultimate intended use. The variety of intended uses include decorative as well as structural applications, therefore a wide range of mesh opening sizes are encompassed. Absent a showing of unexpected results with the specific values of claims 5 and 16-20, novelty is not seen to be provided by the openings of the claims. Claims 11 and 12 cite intended uses of the claimed decorative assembly which do not effect the structure of the decorative assembly. In other words, the decorative assembly of claims 11 and 12 is the same as that of claim 5 from which 11 and 12 depend. The structure of the claims is therefore met by the reasoning applied to claim 5.

11. The limitations of claim 6 are understood to be met by a woven mesh. Since the reference teaches a woven mesh, the limitations are seen as met.

12. The mesh taught by the reference is adhered to the panes with glue (page 12, lines 9-13, page 15, lines 18+) which must be transparent to allow the decorative effects of the metal mesh to show through, thus the limitations of claim 7 are met.

13. Metals, by definition, have luster. A variety of metals are taught by the reference. Thus the requirement of claim 8 is met. Metals may also take on a matte appearance when brushed. Since the panels of the reference are decorative, and decorative effects are a matter of personal preference, additional decorative effects beyond luster would

further have been obvious to a practitioner in the art. Claims 13 requires a twill weave, which is an obvious variant of a plain weave fabric, thus the twill weave would have been obvious to one of ordinary skill in the art. Absent a showing of unexpected results with the claimed weave, it would have been obvious to one of ordinary skill in the art to select an aesthetically pleasing weave.

14. The metal strips or bars taught by the reference are analogous to the wires of claims 9 and 10.

15. Regarding claim 21, the reference teaches glass, polycarbonate, plexiglass, and composites thereof. All are flexible to a certain degree.

16. The metal mesh, bar, or strip material may be any of those disclosed at page 2, lines 5-25. Welded and non-welded metal meshes are broadly included, while a knit mesh is also encompassed. Either would have been obvious for desired aesthetic purposes, absent a showing of unexpected attributes of a welded, non-welded or knit-mesh-containing assembly.

Conclusion

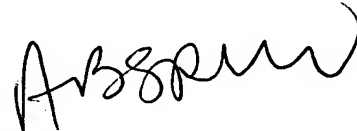
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 09321484, US 5908704, GB 2078166A, US 5219630, US 5462805, US 5944862, US 6103640.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arden B. Sperty whose telephone number is (571)272-1543. The examiner can normally be reached on M-Th, 08:00-16:00.

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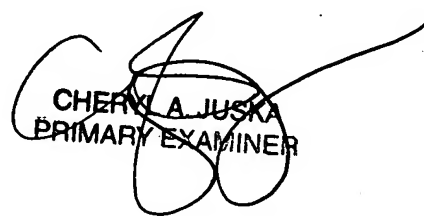
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571)272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arden B. Sperty
Examiner
Art Unit 1771

June 10, 2005



CHERYL A. JUSKA
PRIMARY EXAMINER